

### REMARKS

Claims 1-13 and 15-23 are pending; claim 14 is herein cancelled. Claim 1 is amended only to fix a grammatical error. More specifically, "is" is changed to "are," where appropriate. Claim 11 is amended to include the features of originally filed claim 14. Applicants submit that the amendments do not add new material to the current Application. Furthermore, the amendments are not related to the statutory requirements of patentability unless expressly stated herein. In addition, no amendment made is for the purpose of narrowing the scope of any claim, unless Applicants argue herein that such amendment is made to distinguish over a particular reference or combination of references.

Applicants respectfully submit claims 1, 2, 8-11, 13-19 and 23 are patentable under 35 U.S.C. 102(e) over Hu (U.S. 6,438,030). The Examiner explains how portions of the specifications and figures of Hu and the present application are similar, but this is irrelevant because it is what is claimed, not taught in the present specification that must be taught by the prior art in regards to 102 rejections. The Examiner contends, "In these identical disclosures are taught, in each occurrence, the limitations of claims 1, 2, 8-11, 13-19 and 23." The Examiner's statement as to the disclosures being identical is in error. Prior to the aforementioned quoted statement, the Examiner explains that page 8, line 22 to page 23, line 10 matches that of Hu. Even if this is correct, what about pages 1-8, line 21 and page 23, line 11 to page 31 of the specification? Since at least these pages are not identical the specification is not identical and therefore, the Examiner's statement is incorrect.

Regardless, the blanket statement that the limitations of claims 1, 2, 8-11, 13-19 and 23 are taught by Hu is incorrect. For example, Hu fails to teach or suggest a tunnel dielectric as stated in independent claims 1, 11, 18 and 23. In the present application the tunnel dielectric is first discussed on page 24, line 6 and in FIG. 12, which is outside the alleged identical portions of the specification as asserted by the Examiner. Therefore, for at least this reason, claims 1, 11, 18, 23 and its dependencies, especially 2, 8-10, 14-17, and 19, are patentable over Hu under 35 U.S.C. 102(e).

Applicants respectfully submit that claims 11-13, 15 and 17 are patentable over Chi (U.S. 6,143,607) Chi under 35 U.S.C. 102 (b). Chi fails to teach or suggest a charge storage layer that includes discrete storage elements, as stated in amended claim 11. Instead, Chi's charge storage layer 1203 is a polysilicon layer that is continuous. As taught on page 29, lines 6-10 of the

specification, defects in discrete storage elements do not deplete all charge in the device, as occurs in continuous layers, and instead only deplete the charge in the discrete storage element that has the defect. For at least this reason, claims 11-13, 15 and 17 are patentable over Chi under 35 U.S.C. 102(b).

Applicants respectfully submit that claims 18 and 19 are patentable over Lin (U.S. 5,679,591) under 35 U.S.C. 102(b). With respect to independent claim 18, Lin fails to teach a first memory cell formed in a first well and a second memory cell formed in a second well. (See lines 5 and 14 of claim 18.) Lin teaches wells 14a-c isolated from each other. (See FIGs. 4-7.) In FIGs. 8-15B, Lin only shows one well 14a. Within well 14a, Lin teaches forming two memory cells. Lin fails to teach forming memory cells within the other wells 14b and 14c. Because Lin only teaches forming memory cells within one well, Lin fails to teach a first memory cell formed in a first well and a second memory cell formed in a second well.

Furthermore, Lin fails to teach or suggest electrically coupling the first memory cell and the second memory cell via a word line. While Lin teaches that each memory cell is coupled to a word line, they are coupled to different word lines. (See Fig. 14, where one memory cell is coupled to word line 1 (WL1, element 28A) and the second memory cell is coupled to word line 1 (WL2, element 28B). Word lines 28A and 28B are neither shown nor taught to be coupled to each other. (See Column 3, lines 13-16 and FIG. 14.) Therefore, Lin fails to teach or suggest another feature of claim 18. For at least these reasons, claims 18 and 19 are patentable over Lin in all regards.

With respect to the obvious-type double patenting rejection of claims 3-7, 12 & 20-22, Applicants herewith submit a terminal disclaimer. Therefore, the rejection is now moot.

Believing to have responded to every issue raised by the Examiner, Applicants believe the present Application is currently in a condition of allowance and earnestly solicit allowance of claims 1-13 and 15-23. Please contact Applicant's practitioner listed below if there are any issues.

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